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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,021	07/08/2003	Cheol-Ho Choi	116511-00110	9501
27557	7590	07/05/2005	EXAMINER	
BLANK ROME LLP 600 NEW HAMPSHIRE AVENUE, N.W. WASHINGTON, DC 20037			BUECHNER, PATRICK M	
			ART UNIT	PAPER NUMBER
			3754	

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/614,021

Applicant(s)

CHOI, CHEOL-HO

Examiner

Patrick M. Buechner

Art Unit

3754

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/13/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 1 recites in lines 14-15 “a control unit for controlling at least the cold/hot water supplying unit, the disposable sachet supplying unit, the ice making unit, and the cooling unit.” Applicant appears to be attempting to claim in the alternative that the control unit controls at least one of the systems, but has not used the phrase “at least one of.” The phrasing actually used renders the claim indefinite, as it is unclear whether the control unit is required to control only one of the listed systems or all of the listed systems.

5. Claim 11 recites in lines 7-8 “a control unit for controlling at least the cold/hot water supplying unit, the disposable sachet supplying unit, the ice making unit, and the cooling unit.” Applicant appears to be attempting to claim in the alternative that the control unit controls at least one of the systems, but has not used the phrase “at least one of.” The phrasing actually used renders the claim indefinite, as it is unclear whether the control unit is required to control only one of the listed systems or all of the listed systems.

Art Unit: 3754

6. The claims have been treated as if the phrasing is “at least one of”, the broader interpretation.

*Claim Rejections - 35 USC § 102*

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 5, and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2001283317.

JP 2001283317 discloses an automatic vending machine with an icemaker, hot/cold water dispenser, refrigeration system for cooling the icemaker and the water, a cup dispenser, a control unit for controlling the subsystems, and a disposable sachet/paper pack supplying unit. The requirement that the sachet be for a premixed beverage ingredient is functional language and given no patentable weight, as the sachets dispensed by JP 2001283317 could contain any number of products including a premixed beverage ingredient.

9. Claims 11, 12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Adams (US 3,578,126).

Adams discloses a method of extracting a cup from a cup-supplying unit, selecting a desired sachet such as hot chocolate from a compartment, placing the sachet ingredients in the cup and selecting hot or cold water to mix with the sachet ingredients. Adams also discloses a control unit, cup supplying device, cold/hot water unit, an ice making unit and a cooling unit

Art Unit: 3754

connected to the ice making unit. Adams also discloses inserting money into a money receiving apparatus and selecting the beverage by using a beverage selection button.

*Claim Rejections - 35 USC § 103*

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2001283317 in view of Oh (US 5,819,547).

JP 2001283317 discloses all the limitations of claim 4, as discussed above in 8, with the exception of a level sensor used to adjust the level of water.

Oh teaches a level sensor used to adjust the level of water.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to provide JP 2001283317 with a level sensor as disclosed by Oh in order to determine when the water falls below a predetermined level.

12. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2001283317 in view of Kiriakides, Jr. et al. (US 5,350,082).

JP 2001283317 discloses all the limitations of claim 6, as discussed above in 8, with the exception of a money device.

Kiriakides discloses a soda fountain with a money device.

Art Unit: 3754

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to provide the vending machine of JP 2001283317 with the money device taught by Kiriakides in order to prevent unauthorized dispensing.

13. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adams in view of JP 2001283317.

Adams discloses all the limitations of claim 13, as discussed above in 9, with the exception of using a button to select the sachet.

JP 2001283317 teaches using a button to select a sachet.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to provide the button selection dispensing taught by JP 2001283317 to the device of Adams in order to reduce the physical steps of removing the packet from a compartment to a single step of pushing a button.

### *Conclusion*

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Thompson (US 2,660,351), Melikian et al. (US 2,682,984), Christine et al. (US 3,247,940), Swaney (US 3,200,925), Garcia (US 1,229,741) and Eugster (US 6,595,106).

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick M. Buechner whose telephone number is (571) 272-4923. The examiner can normally be reached on 6:30am-5:00pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on (571) 272-4906. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3754

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



PB



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